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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/686,895

10/16/2003

Hirofumi Onishi

ALPINE.036AUS

7531

7590 08/31/2009
MURAMATSU & ASSOCIATES
114 Pacifica
Suite 310
Irvine, CA 92618

EXAMINER

MANCHO, RONNIE M

ART UNIT

PAPER NUMBER

3664

MAIL DATE

DELIVERY MODE

08/31/2009

PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HIROFUMI ONISHI

Appeal 2009-000890
Application 10/686,895
Technology Center 3600

Decided: August 31, 2009

Before LINDA E. HORNER, JOHN C. KERINS, and
STEVEN D.A. MCCARTHY, *Administrative Patent Judges*.

HORNER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Hirofumi Onishi (Appellant) seeks our review under 35 U.S.C. § 134 of the Examiner's decision rejecting claims 1-18. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

SUMMARY OF DECISION

We REVERSE.

THE INVENTION

The Appellant's claimed invention is a display method and apparatus for a navigation system that is capable of listing points of interest (POIs) with distinction as to whether a particular POI is located within a large structure. Spec. 1:5-10. Claim 1, reproduced below, is representative of the subject matter on appeal.

1. A display method for a navigation system, comprising the following steps of:
 - receiving map data from a map data storage and retrieving information on points of interest specified by a user;
 - examining whether the point of interest specified by the user in the retrieved information is located within a large structure;
 - retrieving an icon representing a type of the large structure in which the point of interest is located; and
 - displaying a list of names of points of interest specified by the user;
- wherein, when the specified point of interest is located within the large structure, the list includes the icon representing the type of the large

structure next to the name of the specified point of interest.

THE EVIDENCE

The Examiner relies upon the following evidence:

Miyaki US 2002/0130906 A1 Sep. 19, 2002

THE REJECTIONS

The Appellant seeks review of the Examiner's rejection of claims 1-18 under 35 U.S.C. § 102(b) as anticipated by Miyaki.¹

ISSUES

The Appellant argues that Miyaki does not display a list of names of points of interest (POI) specified by the user, wherein, when the specified POI is located within a large structure, the list shows the icon representing the type of large structure next to the name of the specified POI. App. Br. 8-12.

The issue before us is:

Has Appellant shown the Examiner erred in finding that Miyaki discloses displaying a list of names of points of interest (POI) specified by the user, wherein, when the specified POI is located within a large structure, the list shows the icon representing the type of large structure next to the name of the specified POI?

FINDINGS OF FACT

We find that the following enumerated facts are supported by at least a preponderance of the evidence. *Ethicon, Inc. v. Quigg*, 849 F.2d 1422,

¹ The Examiner withdrew a rejection of claims 1-18 under 35 U.S.C. § 112, second paragraph. Ans. 10.

1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Office).

1. Miyaki discloses a POI icon display method for displaying a POI icon at the position of a point of interest on a map. Miyaki, 1, para. 0001.
2. Miyaki discloses an object of the invention is to reduce the number of POI icons displayed on the map to eliminate the known problem that numerous POI icons can obscure the roads displayed on the map. Miyaki, 1, paras. 0003, 0005.
3. Miyaki discloses a first embodiment that consolidates POI icons that overlap on the display map into a single multiple-icon icon. Miyaki, 1, paras. 0007, 0016; 3, paras. 0043, 0044; fig. 7 (step 101). When a multiple-icon icon is selected by the user, the display changes to show the individual POIs that comprised the multiple-icon icon as either: individual POI icons (fig. 9A), or as a list of POI names (fig. 9B). Miyaki, 3, para. 0045; fig. 7 (steps 102, 103). Through this process, Miyaki's first embodiment reduces the number of icons displayed on a map to prevent POI icons from obscuring roads. Miyaki, 3, para. 0044 (compare prior art fig. 13 to claimed process at fig. 8); see also 3, para. 0051 and fig. 10 (example with four or more POI icons consolidated into one multiple-icon icon).
4. Miyaki does not disclose the first embodiment as capable of identifying large facilities. Miyaki, *passim*.
5. Miyaki discloses a second object of the invention is to display

POIs with large premises as POI polygons on the map with a POI icon positioned in the center of the POI polygon to eliminate the known problems that a POI icon positioned at the end of a polygon is difficult to see and difficult to properly select. Miyaki, 1, paras. 0004, 0006.

6. Miyaki discloses a second embodiment that displays large POIs (e.g. parks, factories, hospitals, and sports facilities) as polygons. Miyaki, 1, para. 0020; 3, paras. 0053, 0054; fig. 11 (step 201). After the polygon is displayed, it is determined if a POI icon is present within a POI polygon. Miyaki, 3, para. 0054; fig. 11 (step 202). If a POI icon is present in a POI polygon, category data for the POI icon and POI polygon are obtained. Miyaki, 3, para. 0055; fig. 11 (step 203). Then, if the category data for the POI icon matches the category data for the POI polygon, the POI icon is drawn in the central portion of the POI polygon. Miyaki, 3, para. 0055; figs. 11 (steps 204, 205), 12B. If the POI icon does not match the POI polygon, or if the comparing step (step 204) has not been accomplished, the POI icon is drawn at the end of the polygon. Miyaki, 3, para. 0055; figs. 11, 12A.
7. Miyaki does not disclose the second embodiment as capable of displaying a list of names of POIs next to the POI icon located within a POI polygon. Miyaki, *passim*.
8. Miyaki does not disclose use of the multiple-icon icon of the first embodiment in combination with the second embodiment, nor does Miyaki disclose any other embodiments. Miyaki, *passim*.

PRINCIPLES OF LAW

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987).

ANALYSIS

Independent claims 1, 7, and 13 contain the limitation that the method or apparatus displays a list of names of POIs specified by the user, and when the specified POI is located within a large structure, the list shows the icon representing the type of large structure next to the name of the specified POI.

Miyaki discloses a POI icon display method (Fact 1). The first embodiment reduces the number of POI icons displayed on a map to prevent the roads from being obscured by consolidating POI icons into a multiple-icon icon (Facts 2, 3). When a user selects a multiple-icon icon, the individual POIs comprising that multiple-icon icon may be displayed as a list (Fact 3). Miyaki’s first embodiment does not identify large facilities (structures) (Fact 4), and therefore does not meet the limitations of claims 1, 7, and 13 of displaying a list of names of POIs specified by the user, and when the specified POI is located within a large structure, the list shows the icon representing the type of large structure next to the name of the specified POI.

The second embodiment of Miyaki displays POIs with large premises such as parks or hospitals, as POI polygons (Facts 5, 6). If the POI polygon contains a POI icon in the same category, then the POI icon is displayed in

the center region of the POI polygon (Fact 6). If the POI polygon category does not match the POI icon category, then the POI icon is displayed at the end of the polygon (Fact 6). Miyaki's second embodiment does not display a list of names of POI's next to the POI icon located within a POI polygon (Fact 7), and therefore does not meet the limitations of claims 1, 7, and 13. Further, Miyaki does not disclose use of the multiple-icon icon of the first embodiment (which can be displayed as a list when selected by the user) with the POI polygon of the second embodiment, nor any other embodiments (Fact 8).

Because Miyaki does not disclose displaying a list of names of POIs specified by the user, wherein, when the specified POI is located within a large structure, the list shows the icon representing the type of large structure next to the name of the specified POI, Miyaki does not anticipate claims 1, 7, and 13. Miyaki also does not anticipate claims 2-6, 8-12, and 14-18 by virtue of their dependence from claims 1, 7, and 13.

CONCLUSION

The Appellant has shown the Examiner erred in finding that Miyaki discloses displaying a list of names of points of interest (POI) specified by the user, wherein, when the specified POI is located within a large structure, the list shows the icon representing the type of large structure next to the name of the specified POI.

DECISION

We REVERSE the decision of the Examiner to reject claims 1-18.

Appeal 2009-000890
Application 10/686,895

REVERSED

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MURAMATSU & ASSOCIATES
114 PACIFICA
SUITE 310
IRVINE CA 92618